

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Section 73.202(b),)	MM Docket No. 00-165
Table of Allotments,)	RM-9941
FM Broadcast Stations.)	
(Royston and Arcade, Georgia))	

REPORT AND ORDER
(Proceeding Terminated)

Adopted: April 18, 2001

Released: April 27, 2001

By the Chief, Allocations Branch:

1. Before the Commission for consideration is the Notice of Proposed Rule Making (“Notice”), 15 FCC Rcd 17330 (2000), issued in response to a petition for rule making filed on behalf of Southern Broadcasting of Athens, Inc. (“petitioner”), licensee of Station WPUP(FM), Channel 279C3, Royston, Georgia proposing the reallocation of Channel 279C3 from Royston to Arcade, Georgia, as that community’s first local aural transmission service. Petitioner filed supporting comments in response to the Notice. No other comments were received.

2. As stated in the Notice, the petitioner filed its request pursuant to the provisions of Section 1.420(i) of the Commission’s Rules which permits the modification of a station’s authorization to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.¹ The proposed reallocation of Channel 279C3 to Arcade, which is not within an urbanized area, is mutually exclusive with the petitioner’s current authorization at Royston. The distance between Royston (pop. 2,758 persons),² and the petitioner’s specified site at Arcade (pop. 697), is 19.1 kilometers whereas 153 kilometers is required in this instance.³ Further, petitioner stated that the reallocation would result in a preferential arrangement of allotments by providing a first local aural service to Arcade whereas Royston will continue to be served locally by daytime-only AM Station WBIC.⁴

¹ See, Modification of FM and TV Authorizations to Specify a New Community of License (“Change of Community R&O”), 4 FCC Rcd 4870 (1989), recon. granted in part (“Change of Community MO&O”), 5 FCC Rcd 7094 (1990).

² Population figures reported herein were taken from the 1990 U.S. Census.

³ Coordinates specified for a transmitter site at Arcade are 34-15-09 NL; 83-28-28 WL. Coordinates at the licensed site of Station WPUP, Royston, are 34-14-13 NL; 83-16-03 WL.

⁴ The allotment priorities are: (1) first fulltime aural service; (2) second fulltime aural service; (3) first local service; and (4) other public interest matters. Co-equal weight is given to priorities (2) and (3). See, Revision of

3. Petitioner stated its intention to relocate the transmitter of Station WPUP(FM), thereby creating signal gain and loss to areas and populations in the event Channel 279C3 is reallocated from Royston to Arcade. The Notice set forth the petitioner's projected gain and loss study reflecting that the reallocation of Channel 279C3 to Arcade will enable Station WPUP(FM) to provide 1 mV/m service to 277,381 persons, rather than its present service to 161,029 persons. Additionally, a total of 117,962 people reside within the overlapping contours of the present and proposed contours. Therefore, petitioner's proposal represents a net gain to 159,419 people and a loss of 43,067 people. However, the loss area will continue to be served by five or more other services.⁵ As the petitioner's engineering statement reflected that its gain and loss projections were based on the present and proposed 70 dBu contours, the Notice requested the petitioner to provide a gain and loss study using maximum theoretical omnidirectional 60 dBu (1.0 mV/m) contours from Station WPUP(FM)'s present and proposed transmitter sites. Petitioner advises that reference to use of the 70 dBu contours in formulating its gain and loss studies was a typographical error, and that the information presented in its petition was indeed based upon the present and proposed 60 dBu contours. Therefore petitioner reaffirms its gain and loss showings as initially presented.

4. We believe the public interest would be served by reallocation of Channel 279C3 from Royston to Arcade, Georgia, and modifying the authorization of Station WPUP(FM) accordingly our analysis is based on the petitioner's showing that the reallocation of Channel 279C3 to Arcade will result in a preferential arrangement of allotments. Arcade will be provided with its first local aural service and Royston will not be left unserved.

5. Channel 279C3 can be allotted to Arcade consistent with the minimum distance separation requirements set forth in Section 73.207(b)(1) of the Commission's Rules, utilizing the petitioner's desired transmitter site located 21 kilometers (13 miles) north of the community at coordinates 34-15-09 NL; 83-28-28 WL.⁶

6. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective June 11, 2001, the FM Table of Allotments,

FM Assignment Policies and Procedures, 90 FCC 2d 88 (1982).

⁵ Petitioner advises that 15 FM and 13 AM services will serve the loss area.

⁶ Use of the petitioner's specified site will negate short-spacings to Stations WVEE, Channel 277C, Atlanta, Georgia, WVKX, Channel 279A, Irwinton, Georgia, and WDDK, Channel 280A, Greensboro, Georgia.

Section 73.202(b) of the Commission's Rules, IS AMENDED with regard to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Arcade, Georgia	279C3
Royston, Georgia	--

7. IT IS FURTHER ORDERED, That pursuant to Section 316(a) of the Communications Act of 1934, as amended, the license of Southern Broadcasting of Athens, Inc. for Station WPUP(FM), IS MODIFIED to specify operation on Channel 279C3 at Arcade, Georgia, in lieu of Royston, Georgia, subject to the following conditions:

- (a) Within 90 days of the effective date of this Order, the licensee shall submit to the Commission a minor change application for a construction permit (Form 301), specifying the new facility;
- (b) Upon grant of the construction permit, program tests may be conducted in accordance with Section 73.1620; and
- (c) Nothing contained herein shall be construed to authorize a change in transmitter location or to avoid the necessity of filing an environmental assessment pursuant to Section 1.1307 of the Commission's Rules.

8. Pursuant to Commission Rule Section 1.1104(1)(k) and (3)(m) of the Commission's Rules, any party seeking a change in community of license of a television or FM allotment or an upgrade of an existing FM allotment, if the request is granted, must submit a rule making fee when filing its application to implement the change in community of license and/or upgrade. As a result of this proceeding, Southern Broadcasting of Athens, Inc., licensee of Station WPUP(FM), is required to submit a rule making fee in addition to the fee required for the application to effectuate the change in community of license at Arcade, Georgia.

9. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

10. For further information concerning the above, contact Nancy Joyner, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau